

DISTILLATION ACT 1868 AMENDMENT.

ANALYSIS.

Title.	ground of criminating himself. Protection to witness so answering.
1. Short Title.	4. Justices' certificate to stay proceedings against witness.
2. Onus of proof.	5. Act to be retrospective.
3. Witness not exempted from answering on	

A BILL INTITULED

AN ACT to amend "The Distillation Act, 1868."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. The Short Title of this Act is "The Distillation Act 1868 Amendment Act, 1894." Short Title.

2. Section one hundred and thirty-eight of "The Distillation Act, 1868" (hereinafter referred to as "the said Act"), is hereby repealed, and in lieu thereof it is enacted as follows:— Onus of proof.

10 In all proceedings under the said Act or this Act, or under any Act which may for the time being be in force for the regulation of distillation, and in all other cases of prosecution under the said Act or any Act amending the same, the person against whom such proceedings are taken shall *prima facie* be deemed to have committed the offence with which he is charged, and the onus of proof of his not having committed such offence shall be upon him.

15 3. No person who is called as a witness in any proceedings under the said Act or any amendment thereof shall be excused from answering any question relating to the offence for which such proceedings are taken on the ground that the answer thereto may criminate or tend to criminate himself: Provided that where any witness answers every question relating to the matters in issue fully and freely to the satisfaction of the presiding Magistrate or Justices, he shall be entitled, in the discretion of such Magistrate or Justices, to receive a certificate stating that he was upon his examination required to answer, and had so answered all such questions. Witness not exempted from answering on ground of criminating himself. Protection to witness so answering.

20 4. If at any time after the issue of such a certificate any proceeding be pending in any Court against such witness for any offence under the said Act or any amendment thereof, in any way connected with or arising out of the proceedings in which he shall have given such evidence as aforesaid, then, if such certificate as aforesaid shall be produced by such witness, the production of the same shall render such evidence so given by him inadmissible upon any proceeding so pending. Justices' certificate to stay proceedings against witness.

25 5. This Act shall be deemed to apply to all offences committed under the said Act or any amendment thereof subsequent to the first day of January, one thousand eight hundred and sixty-nine. Act to be retrospective.